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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA

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9 Larry Bernard Long, No. CV-15-1265-PHX-DJH  
10 Plaintiff,  
11 v.  
12 Charles L. Ryan, et al.,  
13 Defendants.  
14

**ORDER**

15 This matter is before the Court on the Report and Recommendation ("R&R")  
16 issued by United States Magistrate Judge Deborah M. Fine on February 25, 2016. (Doc.  
17 38). In the R&R, Judge Fine recommends dismissing Defendant May because he has not  
18 been served in accordance with Fed.R.Civ.P. 4(m) and LRCiv 16.2(b)(2)(B)(ii). As the  
19 R&R states, service was attempted on Defendant May but was returned unexecuted on  
20 August 31, 2015, indicating he was no longer employed by the Arizona Department of  
21 Corrections. (Doc. 38 at 1-2). No forwarding address was provided. Judge Fine then  
22 granted Plaintiff's motion to compel Defendant May's last known address under seal and  
23 multiple extensions of time to complete service. Those efforts, however, were  
24 unsuccessful and Defendant May was never served.

25 Judge Fine advised the parties that they had fourteen days to file objections and  
26 that the failure to file timely objections "will be considered a waiver of a party's right to  
27 de novo appellate consideration of the issues." (Doc. 38 at 3-4) (citing *United States v.*  
28 *Reyna-Tapia*, 328 F.3d 1114, 1121 (9<sup>th</sup> Cir. 2003) (*en banc*)). The parties have not filed

1 objections and the time to do so has expired. Absent any objections, the Court is not  
2 required to review the findings and recommendations in the R&R. *See Thomas v. Arn*,  
3 474 U.S. 140, 149 (1989) (The relevant provision of the Federal Magistrates Act, 28  
4 U.S.C. § 636(b)(1)(C), “does not on its face require any review at all . . . of any issue that  
5 is not the subject of an objection.”); *Reyna-Tapia*, 328 F.3d at 1121 (same); Fed.R.Civ.P.  
6 72(b)(3) (“The district judge must determine de novo any part of the magistrate judge’s  
7 disposition that has been properly objected to.”).

8 Nonetheless, the Court has reviewed the R&R and agrees with its findings and  
9 recommendations. The Court will, therefore, accept the R&R and dismiss Defendant  
10 May from this action. *See* 28 U.S.C. § 636(b)(1)(C) (“A judge of the court may accept,  
11 reject, or modify, in whole or in part, the findings or recommendations made by the  
12 magistrate judge.”); Fed.R.Civ.P. 72(b)(3) (same).

13 Accordingly,

14 **IT IS ORDERED** that Magistrate Judge Fine's R&R (Doc. 38) is **accepted** and  
15 **adopted** as the order of this Court.

16 **IT IS FURTHER ORDERED** that Defendant May is **dismissed** from this action.

17 Dated this 29th day of March, 2016.

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Honorable Diane J. Humentewa  
21 United States District Judge  
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